

100-08/MFM

FREEHILL HOGAN & MAHAR LLP
Attorneys for Defendant
80 Pine Street
New York, New York 10005
(212) 425-1900

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHRISTOPHER LAIRD,

Plaintiff,

-against-

McALLISTER TOWING,

Defendant.
-----X

DEFENDANT'S ANSWER
TO PLAINTIFF'S
COMPLAINT

08 CIVIL 0888
Judge Buchwald

Defendant, by its attorneys, Freehill, Hogan & Mahar LLP, answering plaintiff's Complaint alleges upon information and belief as follows:

FIRST: Defendant denies any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "1," of plaintiff's Complaint.

SECOND: Defendant denies each and every allegation contained in paragraph numbered "2" of plaintiff's Complaint and refers all questions of law to the Court.

THIRD: Defendant denies each and every allegation contained in paragraphs numbered "3," "4" and "5" of plaintiff's Complaint except admits that on June 15, 2007, plaintiff was employed by defendant as a crewmember.

AS AND FOR A FIRST DEFENSE

FOURTH: That if the plaintiff sustained any injuries as alleged in the complaint, said injuries and/or illnesses were caused in whole or in part by plaintiff's own negligence and were not caused or contributed to in any manner by any negligence of the defendant.

AS AND FOR A SECOND DEFENSE

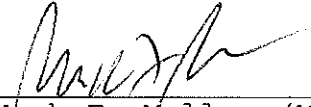
FIFTH: If the plaintiff received any injuries and/or illnesses as alleged in the Complaint, said injuries and/or illnesses were caused in whole or in part by plaintiff's own failure to perform the duties assumed as a term of his employment.

WHEREFORE, defendant demands that the Complaint be dismissed with costs and attorneys' fees to the defendant as against the plaintiff and that the Court grant to the defendant such other, further and different relief as the justice of the cause may require.

Dated: New York, New York
February 29, 2008

FREEHILL HOGAN & MAHAR LLP
Attorneys for Defendant

By


Mark F. Muller (MM 7985)
80 Pine Street
New York, New York 10005-1759
Tel: 212-425-1900
Fax: 212-425-1901
muller@freehill.com

TO: ROBERT E. ASHKIN
Attorney for Plaintiff
580 Broadway, Suite 906
New York, NY 10012
Tel: 212-965-0010
Fax: 212-965-1301
(#115461515)
robertaashkin@aol.com

Dennis M. O'Bryan, Esq.
O'BRYAN BAUN COHEN KUEBLER
401 S. Old Woodward, Suite 320
Birmingham, MI 48009
Tel: 248-258-6262
Fax: 248-258-6047
(P30545)